

NR:VTN
F. #2017R01361

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
THE EBAY USER IDS "LIPHET715,"
"2ILADAM," "IMINYOURHOME,"
"IMINYOURHOME2" AND "RICHJERK"
THAT IS STORED AT PREMISES
CONTROLLED BY EBAY

~~TOP SECRET~~

**APPLICATION FOR A
SEARCH WARRANT**

Case No. 19-MJ-282

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, CHRISTOPHER CARR, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with accounts that are stored at premises controlled by eBay Inc., a company headquartered at 583 West eBay Way, Draper, Utah 84020 (hereinafter "eBay"). The information to be searched is described in the following paragraphs and related to user IDs "liphet715," "2iladam," "iminyourhome," "iminyourhome2" and "richjerk" (the "Target Accounts"). This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require eBay to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Amtrak Office of Inspector General's Office of Investigations ("Amtrak OIG"). I have participated in fraud investigations at both the federal and state levels and have received extensive training in this area. I have been employed as a federal law enforcement officer since 2014. During the course of these investigations, I have conducted or participated in surveillance, the execution of search warrants, and the review of electronic evidence.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The information contained in this affidavit comes from my own knowledge of the investigation, as well as my discussions with other officers and agents, and my review of documents and reports.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 1028A, 1029, 1342 and 1349 have been committed by LAMONT BROWN, ADAM MICEK, KEVIN NELSON and ANDRE WILBURN. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband and fruits of these crimes, as further described in Attachment B.

PROBABLE CAUSE

5. Amtrak is a national passenger railroad service. Among the different methods of payment accepted by Amtrak, Amtrak allows customers to redeem eVouchers for travel. An eVoucher is a transferable electronic certificate of credit offered by Amtrak when a customer cancels or changes an existing reservation. A single eVoucher can be broken down

into multiple eVouchers of lesser value and used to make multiple reservations for future travel. Multiple eVouchers can also be aggregated and used to pay for a single reservation. To redeem an eVoucher, an Amtrak customer must provide the telephone number or email address that was used to make the original reservation.

6. I am part of a joint investigation involving Amtrak OIG, Amtrak Police Department (“APD”), Homeland Security Investigations (“HSI”), and the Department of Transportation Office of Inspector General to identify those responsible for a scheme involving wire fraud and access device fraud that has resulted in a loss of more than \$450,000 to Amtrak in or about and between April 2016 and July 2018. Individuals participating in the scheme purchased Amtrak reservations using stolen credit card account information, cancelled or exchanged those reservations for eVouchers, and sold the eVouchers on the internet, including on eBay¹ and Craigslist.

7. Amtrak OIG agents identified eVouchers sold on the internet as fraudulent whenever the true owners of the credit card accounts used to make the original Amtrak purchases reported those purchases as unauthorized to their financial institutions. Those financial institutions contacted Amtrak and, in turn, received a refund from Amtrak.

8. I have identified four separate eBay users who sold eVouchers that were identified as part of the fraudulent scheme described above:

¹ Additional information about eBay, how it works and the type of information collected by eBay about its users is included below.

- a. In or about and between June 2017 to June 2018, approximately 213 eVouchers worth more than \$60,000 of Amtrak credit were sold by eBay user "liph715." Approximately 161 of these eVouchers, worth approximately \$46,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "liph715" is an eBay account registered to LAMONT BROWN of Brooklyn, New York.
- b. In or about and between November 2016 and July 2017, approximately 286 eVouchers worth more than \$110,000 of Amtrak credit were sold by eBay user "2iladam." Approximately 140 of these eVouchers, worth approximately \$55,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "2iladam" is an eBay account registered to ADAM MICEK of Glendale, New York.
- c. In or about and between April 2016 to July 2018, approximately 281 eVouchers worth more than \$250,000 of Amtrak credit were sold by eBay user "iminyourhome." Approximately 152 of these eVouchers, worth approximately \$136,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "iminyourhome" is an eBay account registered to KEVIN NELSON of Queens, New York.
- d. In or about and between April 2016 to May 2016, approximately 42 eVouchers worth more than \$30,000 of Amtrak credit were sold by eBay user "richjerk." Approximately 17 of these eVouchers, worth approximately \$10,000, have been confirmed as fraudulent as of August 28, 2018. According to records obtained from eBay, "richjerk" is an eBay account registered to ANDRE WILBURN of New York, New York.

9. Only a portion of the eVouchers sold by the Target Accounts were identified as fraudulent by Amtrak using the criteria described in paragraph 7 above. I believe that the remainder of the eVouchers sold by the eBay Accounts were also fraudulent; however Amtrak has not issued refunds in those instances. Based on the investigation to date, I believe that refunds have not been issued because the financial institutions absorbed the loss directly, are still in the process of requesting a refund from Amtrak, or because the true accountholders failed to notice and report the original transactions as unauthorized. The remainder of the eVouchers sales is also believed to be fraudulent because the eVouchers were typically sold

by the eBay Accounts at heavily discounted prices of 30 to 70 percent of their face value, which, based on my training and experience, is a practice frequently used by individuals committing access device fraud.

10. I have extensively reviewed the offers of sale of eVouchers by the Target Accounts and learned that after a buyer purchased an eVoucher from one of the Target Accounts, the user of the Target Account contacted the buyer, typically by using eBay's messaging service, and provided the buyer with the unique eVoucher number and the telephone number or email address that had been entered at the time the original reservation was purchased. For example, in a listing by the Target Account of "2iladam" from on or about April 17, 2017, offering to sell an eVoucher, the seller included a "FAQ" or Frequently Asked Questions section which provides the following information:

Question:	How will I receive my eVoucher?
Answer:	I will send your eVoucher via eBay messaging center.

Similarly, in a listing by the Target Account of "liphet715," from on or about January 2, 2018, offering to sell an eVoucher, the seller informed potential buyers that "we will send you eVoucher via eBay messaging center."

11. Furthermore, offers of eVouchers originating from the Target Accounts explicitly stated that customers can contact the seller with questions by phone, text, email, or eBay messaging. For example, in a listing by the Target Account of "iminyourhome" from on or about July 12, 2018, the seller stated, "I am easy to contact either through messaging me through eBay or by phone via call and text. Also, if emailing is a easy way for you to contact me please do so."

12. Whenever buyers and sellers communicate using eBay's messaging system, the system also sends a copy of those communications to the eBay users at the email addresses registered with eBay by the users.

13. On or about July 13, 2018, I obtained a warrant to search the data associated with the Google account of "kevin@linkrange.com." (Dkt. No. 18-MJ-642). The email account of kevin@linkrange.com belongs to KEVIN NELSON and is the email address registered to the Target Account "iminyourhome." In executing that warrant, I identified numerous emails that had been sent by eBay users, via eBay's messaging system, to the Target Account "iminyourhome" that were copied or cc'ed to kevin@linkrange.com (the "cc'ed Emails"). Based on my review of the cc'ed Emails, I determined that customers frequently communicated with the Target Account "iminyourhome" to inquire, for instance, about how eVouchers work, whether they expire and whether they are transferable. The cc'ed Emails also included reports from eBay customers stating that Amtrak did not allow them to redeem the eVouchers they had purchased because the owner of the credit card used to make the original Amtrak reservation had reported the purchase as unauthorized.

14. Given that the offered sale of eVouchers by the other Target Accounts were substantially similar, and in some instances identical, to offers for sale by the Target Account "iminyourhome," I would expect to find similar communications between customers and each of the Target Accounts maintained on eBay's messaging system.

15. During the course of the investigation, Amtrak OIG has identified several instances where individuals who purchased eVouchers from the Target Accounts were unable to redeem their eVouchers because Amtrak had identified the eVouchers as fraudulent. I

interviewed one such buyer who purchased an eVoucher from the Target Account “2iladam.” She reported that when she was unable to redeem their eVouchers, she contacted “2iladam” using eBay’s messaging system to resolve the issue and that “2liadam” responded using eBay’s messaging system.

16. As part of the investigation, members of law enforcement have communicated with “liph715” and “richjerk” using eBay’s messaging service.

- a. In or about May 20, 2016, APD identified an ad on Craigslist offering an eVoucher for sale and providing a contact number of 917-426-5566 (the “5566 NUMBER”). An officer of the APD, posing as an interested buyer (“Buyer-1”), sent a text message to the 5566 NUMBER. The user of the 5566 NUMBER informed Buyer-1 that he had an eBay account under the name “richjerk.” Buyer-1 subsequently communicated with “richjerk” through eBay’s messaging service. After negotiations, “richjerk” agreed to meet in person to sell the eVoucher. “Richjerk” informed Buyer-1 that even if they were to meet in person, “richjerk” preferred payment through PayPal and would not transfer any eVoucher information to Buyer-1 until payment was received. Buyer-1 had no further contact with “richjerk” and the purchase was not completed. The 5566 NUMBER is a Google Voice number subscribed by ANDRE WILBURN.
- b. In or about February 2018, HSI developed an undercover eBay profile to pose as an interested buyer (“Buyer-2”) and contacted eBay user “liph715”. Buyer-2 sent a message to “liph715” using eBay’s messaging service to inquire about the purchase of an eVoucher worth \$320 that was being offered for \$240. When Buyer-2 asked for a contact number eBay user “liph715” responded that he could be reached at 917-300-1420 (the “1420 NUMBER”). The agent called the 1420 NUMBER and, after several communications with “liph715,” made the purchase. The 1420 NUMBER is the contact phone number registered by LAMONT BROWN for the “liph715” Target Account.

17. I am informed by an investigator employed at eBay that eBay preserves all account information indefinitely, provided the relevant account is not itself deleted. As of March 1, 2019, the Target Accounts had not been deleted and there is presently a hold on the Target Accounts that prevents an eBay user from deleting the Target Accounts.

18. Based on records received from eBay on or about March 11, 2019, I learned that eBay user “iminyourhome” revised his user ID to “iminyourhome2” on or about August 27, 2018. According to eBay, the records associated with eBay user “iminyourhome” for the period prior to August 27, 2018 are now associated with eBay user “iminyourhome2.”

ADDITIONAL BACKGROUND CONCERNING EBAY

19. In my training and experience I have learned that eBay provides a variety of online services related to buying and selling goods to the general public via eBay’s online auction website. In general, eBay subscribers who wish to sell an item (eBay sellers) will post the item for sale by entering a basic description of the item that is used for the listing title and any additional details they wish, often including photographs, that eBay includes in the body of the listing. eBay subscribers who wish to purchase goods (eBay buyers) generally use the search functionality of the eBay website to locate an item of interest. eBay buyers will bid on goods based on a set of rules which dictate how goods are sold to the highest bidder. eBay allows subscribers to obtain a username or store name that they use to identify themselves for the purposes of buying and selling goods online.

20. Subscribers obtain an account by registering with eBay. During the registration process, eBay asks subscribers to provide basic subscriber information such as a name, telephone number, and email address. eBay also records information such as the user’s history of account access, the type of goods the user purchased, the type of goods the user has offered for sale, the prices the user has paid for goods, the prices for which the user has sold goods, and “feedback” comments from other users who have interacted with the subscriber indicating the other user’s evaluation of the subscriber’s quality of service. In my training

and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users and the location of proceeds of the crimes. Therefore, the computers of eBay are likely to contain information including basic subscriber information and business records concerning subscribers and their use of eBay services.

21. eBay users also have the capability to send messages with questions about items. These eBay internal messages are stored on eBay's computers. Therefore, in addition to basic subscriber records and business records related to the subscriber, the computers of eBay are likely to contain stored electronic communications (including retrieved and unretrieved messages for eBay subscribers). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to show the communication that occurred between buyers and sellers which may include communications regarding the authenticity of the goods.

22. eBay sends communications to its registered users in several ways, including to the email account(s) listed in subscriber records maintained by eBay. Those communications typically relate to the user's bidding and purchase activity regarding items listed for auction on eBay's website, and may include status updates regarding auctions and the dates the user won an auction. In addition, when an auction is completed, buyers and sellers must arrange for payment and delivery of the auctioned item. While buyers and sellers can communicate using their eBay accounts, eBay's system also sends a copy of those communications to the users at the email addresses that are on file in eBay's subscriber records.

23. In my training and experience, eBay asks its subscribers to provide certain personal identifying information when registering for an eBay account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and experience, I know that even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location or illicit activities.

24. In my training and experience, eBay typically retains certain transactional information about the creation and use of each account on its systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, eBay often has records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the eBay account.

25. In my training and experience, in some cases, eBay account users will communicate directly with eBay about issues relating to the account, such as technical

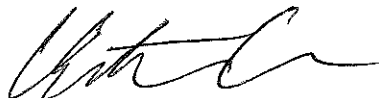
problems, billing inquiries, or complaints from other users. eBay typically retains records about such communications, including records of contacts between the user and eBay's support services, as well records of any actions taken by eBay or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

26. As explained herein, information stored in connection with an eBay account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling investigators to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an eBay account can indicate who has used or controlled the account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, electronic communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time. Further, information maintained by eBay can show how and when the account was accessed or used. For example, as described above, eBay typically logs the Internet Protocol (IP) addresses from which users access an account along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculcate or exculpate the account owner. Additionally, information stored at the user's

account may further indicate the geographic location of the account user at a particular time (e.g., location information integrated into an image or video sent via electronic communication). Last, stored electronic data may provide relevant insight into the account owner's state of mind as it relates to the offense under investigation. For example, information in the account may indicate the owner's motive and intent to commit a crime (e.g., communications relating to the crime), or consciousness of guilt (e.g., deleting communications in an effort to conceal them from law enforcement).

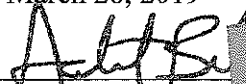
CONCLUSION

27. I submit that this affidavit supports probable cause for a search warrant to be served on eBay as to information associated with the accounts described in Attachment A to seek the items described in Attachment B. Upon receipt of the search warrants eBay will then compile the requested records at a time convenient to them, thus reasonable cause exists to permit the execution of the requested warrants at any time in the day or night.



Christopher Carr
Special Agent
Amtrak Office of the Inspector General

Subscribed and sworn to before me
on March 28, 2019


THE HONORABLE
UNITED STATES M
EASTERN DISTRICT

S/Bulsara

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with user IDs “liphet715,” “2iladam,” “iminyourhome,” “iminyourhome2” and “richjerk” (the “Target Accounts”) that is stored at premises controlled by eBay, a company that accepts service of legal process at 583 West eBay Way, Draper, Utah 84020.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by eBay (the “Provider”)

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any communications, records, files, logs, or information that has been deleted but is still available to the Provider, the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. all message content including unread, read, flagged, filtered or stored messages from the user’s inbox, sent messages box, trash box, archive, or any user or eBay created folders, including sent or received messages, the source and destination addresses associated with each message, the date and time at which each message was sent, and the size and length of each message;
- b. all records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and sources of payment (including any credit or bank account number);
- c. the types of service utilized;

- d. all records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;
- e. all records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken; and
- f. all account activity including listing history, bidding history, watch lists, wish lists, saved searches, saved sellers, purchase history, and/or selling history.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of Title 18, United States Code, Sections 1028A, 1029, 1342 and 1349, those violations involving the user(s) of the accounts described in Attachment A,” for the period starting from January 1, 2016 to the present, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- (a) any content or images pertaining to the sale, exchange, and/or procurement of Amtrak eVouchers;
- (b) evidence indicating how and when the account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crimes under investigation and to the account owner/user;
- (c) evidence indicating the account owner/user’s state of mind as it relates to the crime under investigation;
- (d) the identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- (e) the identity of the person(s) who communicated with the user ID about matters relating to sale, exchange, and/or procurement of Amtrak eVouchers.